REMARKS

Claims 1, 15 and 22 are amended herein. Claims 1-27 remain pending in the application.

The Applicants respectfully request the Examiner to reconsider earlier rejections in light of the following remarks. No new issues are raised nor is further search required as a result of the changes made herein. Entry of the Amendment is respectfully requested.

Claims 1-6, 10-19 and 22-25 over Yamamoto in view of Kato

In the Office Action, claims 1-6, 10-19 and 22-25 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Yamamoto et al., U.S. Patent No. 5,572,575 ("Yamamoto") in view of Kato et al., U.S. Patent No. 3,952,166 ("Kato"). The Applicants respectfully traverse the rejection.

Claims 1-6 and 10-14 recite, *inter alia,* a proximity determinator to repeatedly determine a distance between a handset of a cordless telephone and a base unit of the cordless telephone, and an attenuator attenuating an audio path between the handset and the base unit based on the repeatedly determined distance. Claims 15-19 and 22-25 recite, *inter alia*, repeatedly determining a proximity of a handset of a cordless telephone to a base unit of the cordless telephone, and attenuating an audio path between the handset and the base unit based on the repeatedly determined distance.

Yamamoto appears to disclose, and is relied to only disclose, a cordless telephone system that comprises a base station, a handset unit, and a speakerphone circuit provided in the base station (Abstract). In speakerphone communication mode, the handset unit uses the speakerphone circuit of the base station (Yamamoto, col. 5, lines 29-31). An attenuator, 28c, suppressed howling that can occur between handset unit and the base station (Yamamoto, Fig. 3; col. 8, line 36-col. 10, line 25).

Although Yamamoto discloses an attenuator attenuating an audio path between a handset and a base unit of a cordless telephone, the attenuation performed is based on the level of audio signal being monitored, **NOT** based on distance between the two components. Yamamoto fails to disclose or suggest a

method and apparatus that repeatedly determines a proximity of a handset of a cordless telephone to a base unit of the cordless telephone, and attenuating an audio path between the handset and the base unit based on the repeatedly determined distance, as recited by claims 1-6, 10-19 and 22-25.

The Office Action correctly acknowledged that Yamamoto fails to disclose a primary feature of the claimed invention, an audio path attenuation controller comprising a proximity determinator to determine a distance between a handset of a cordless telephone and a base unit of the cordless telephone (Office Action, page 2). However, the Office Action nevertheless attempts to rely on Kato to allegedly make up for the deficiencies in Yamamoto to arrive at the claimed invention. The Applicants respectfully disagree.

Kato appears to disclose a loudspeaker telephone circuit where a speech signal is used as a control signal for detecting the extent of decreasing acoustic coupling between a loudspeaker and a microphone of a telephone set (Abstract). A portion of a received signal by a user and a received signal detected by a microphone through an acoustic field are detected for comparing their levels so as to determine the difference of a distance between a loudspeaker and a microphone from that occurring at a worst condition (Kato, col. 3, lines 2-13).

Kato is relied on to make up for the deficiency in Yamamoto, i.e., determining a distance between a handset of a cordless telephone and a base unit of a cordless telephone. However, Kato's invention is directed toward a speakerphone **NOT** a cordless telephone. Kato's speakerphone does not contain a handset of a **cordless telephone** and a base unit of a **cordless telephone**, as recited by claims 1-6, 10-19 and 22-25.

Kato's determined distance is between fixed components, thus only a single determination of distance is performed. Kato's attenuation based on a fixed distance between a microphone and a speaker is **NOT** attenuation based on a repeatedly determined distance between a handset and a base unit of a cordless telephone, as recited by claims 1-6, 10-19 and 22-25.

Kato does not make up for the deficiencies in Yamamoto because Kato fails to disclose or suggest determining a distance between a handset of a

cordless telephone and a base unit of the cordless telephone, and basing an attenuation path between the handset and base unit on a repeatedly determined distance, as recited by claims 1-6, 10-19 and 22-25.

Moreover, the theoretical combination of Kato and Yamamoto would **at best suggest** changing an acoustic coupling between a loudspeaker and a microphone **only** in a base unit of a cordless telephone containing a loudspeaker telephone. **Nothing** in the cited prior art **suggests** changing acoustic properties between **anything other than** a microphone and a loudspeaker in a base unit speakerphone. Changing acoustic properties between a microphone and loudspeaker in a base unit speakerphone does **NOT SUGGEST** changing acoustic properties between a **handset** and a **base unit** of a cordless telephone, much less based on a repeatedly determined distance and proximity therebetween, as recited by claims 1-6, 10-19 and 22-25.

The Examiner argues that the rejection is not based on improper hindsight since any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning (Office Action, page 16). However, recognizing a fact from the present application, without suggestion thereof by the prior art is an indication of hindsignt consideration. Simplicity and hindsight are not proper criteria for resolving obviousness. In re Warner, 379 F. 2d 1011, 154 USPQ 173 (CCPA 1967). Here, both Yamamoto and Kato fail to disclose, teach, or suggest repeatedly determining a distance between a handset and a base unit of a cordless telephone, as discussed above. Any suggestion of repeatedly determining a distance between a handset and a base unit of a cordless telephone is at best improper hindsight.

Neither Yamamoto nor Kato, either alone or in combination, disclose, teach **or suggest** a method and apparatus that determines a distance between wireless devices, i.e., a handset of a cordless telephone and a base unit of a cordless telephone, much less repeatedly determining a distance and proximity of a handset and a base unit of a cordless telephone, and basing attenuation on the repeatedly determined distance, as recited by claims 1-6, 10-19 and 22-25.

Accordingly, for at least all the above reasons, claims 1-6, 10-19 and 22-25 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 7, 20 and 26 over Yamamoto in view of Kato and Ravi

In the Office Action, claims 7, 20 and 26 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Yamamoto in view of Kato, and further in view of Ravi et al., U.S. Patent No. 6,560,462 ("Ravi"). The Applicants respectfully traverse the rejection.

Claims 7, 20 and 26 are dependent on claims 1, 15 and 22 respectively, and are allowable for at least the same reasons as claims 1, 15 and 22.

Claim 7 recites, *inter alia,* a proximity determinator repeatedly determining a distance between a handset of a cordless telephone and a base unit of the cordless telephone, and an attenuator attenuating an audio path between the handset and the base unit based on the repeatedly determined distance. Claims 20 and 26 recite, *inter alia*, repeatedly determining a proximity of a handset of a cordless telephone to a base unit of the cordless telephone, and attenuating an audio path between the handset and the base unit based on the repeatedly determined distance.

As discussed above, neither Yamamoto nor Kato, either alone or in combination, disclose, teach or suggest a method and apparatus that repeatedly determines a proximity of a handset of a cordless telephone to a base unit of the cordless telephone, and attenuating an audio path between the handset and the base unit based on the repeatedly determined distance, as recited by claims 7, 20 and 26.

The Office Action relies on Ravi to allegedly make up for the deficiencies in Yamamoto and Kato to arrive at the claimed invention. The Applicants respectfully disagree.

Ravi appears to disclose a mobile station locating system for use in a wireless network comprising a group of base stations that communicate with mobile stations (Abstract). To calculate the distance to a mobile station that has

made and emergency call, a data processor transmits a position locator message (Ravi, col. 6, lines 57-59). A message is transmitted back to the data processor an acknowledgement message (Ravi, col. 6, lines 59-62). A timer calculates the round trip delay from the transmission of a position locator message to determine a distance (Ravi, col. 6, lines 62-65).

Ravi discloses a method of finding a distance between a mobile station and a base station in a **cellular system**. Ravi fails to disclose or suggest finding a distance between a handset and a base unit of a **cordless telephone**, much less repeatedly determining a proximity of a handset of a cordless telephone to a base unit of the cordless telephone, and attenuating an audio path between the handset and the base unit based on the repeatedly determined distance, as recited by claims 7, 20 and 26.

Moreover, Ravi discloses finding a distance between a mobile station and a base station in a cellular system to locate the mobile station. Ravi fails to even suggest using distance as a basis for attenuation, as recited by claims 7, 20 and 26.

Neither Yamamoto, Kato nor Ravi, either alone or in combination, disclose, teach or suggest a method and apparatus that repeatedly determines a proximity of a handset of a cordless telephone to a base unit of the cordless telephone, and attenuating an audio path between the handset and the base unit based on the repeatedly determined distance, as recited by claims 7, 20 and 26.

Accordingly, for at least all the above reasons, claims 7, 20 and 26 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 8, 9, 21 and 27 over Yamamoto in view of Kato and Ayoub

In the Office Action, claims 8, 9, 21 and 27 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Yamamoto in view of Kato, and further in view of Ayoub et al., U.S. Patent No. 6,477,363 ("Ayoub"). The Applicants respectfully traverse the rejection.

Claims 8, 9, 21 and 27 are dependent on claims 1, 15 and 22 respectively, and are allowable for at least the same reasons as claims 1, 15 and 22.

Claims 8 and 9 recite, *inter alia,* a proximity determinator repeatedly determining a distance between a handset of a cordless telephone and a base unit of the cordless telephone, and an attenuator attenuating an audio path between the handset and the base unit based on the repeatedly determined distance. Claims 21 and 27 recite, *inter alia*, repeatedly determining a proximity of a handset of a cordless telephone to a base unit of the cordless telephone, and attenuating an audio path between the handset and the base unit based on the repeatedly determined distance.

As discussed above, neither Yamamoto nor Kato, either alone or in combination, disclose, teach or suggest a method and apparatus that repeatedly determines a proximity of a handset of a cordless telephone to a base unit of the cordless telephone, and attenuating an audio path between the handset and the base unit based on the repeatedly determined distance, as recited by claims 8, 9, 21 and 27.

The Office Action relies on Ayoub to allegedly make up for the deficiencies in Yamamoto and Kato to arrive at the claimed invention. The Applicants respectfully disagree.

Ayoub appears to disclose a system and method for communicating the location of an emergency caller through a telephone network (Abstract). The mobile phone has a built in means for obtaining its position using GPS (Ayoub, col. 4, lines 2-19).

Ayoub uses GPS to determine the location of a telephone making an emergency call. Ayoub fails to use GPS to determine a **distance** between the telephone and any other object, much less between a handset and a base unit of

a cordless telephone. Ayoub fails to disclose or suggest a method and apparatus that repeatedly determines a proximity of a handset of a cordless telephone to a base unit of the cordless telephone, and attenuating an audio path between the handset and the base unit based on the repeatedly determined distance, as recited by claims 8, 9, 21 and 27.

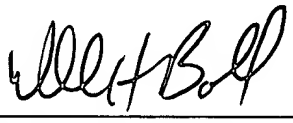
Neither Yamamoto, Kato nor Ayoub, either alone or in combination, disclose, teach or suggest a method and apparatus that repeatedly determines a proximity of a handset of a cordless telephone to a base unit of the cordless telephone, and attenuating an audio path between the handset and the base unit based on the repeatedly determined distance, as recited by claims 8, 9, 21 and 27.

Accordingly, for at least all the above reasons, claims 8, 9, 21 and 27 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



William H. Bollman
Reg. No. 36,457

Manelli Denison & Selter PLLC
2000 M Street, NW
Suite 700
Washington, DC 20036-3307
TEL. (202) 261-1020
FAX. (202) 887-0336

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